

MICHAEL A. JACOBS (SBN 111664)
 MJacobs@mofo.com
 JOSEPH C. GRATZ (SBN 240676)
 JGratz@mofo.com
 TIFFANY CHEUNG (SBN 211497)
 TCheung@mofo.com
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522
 [CAPTION PAGE CONTINUED ON NEXT PAGE]

Attorneys for Defendants OPENAI, INC., a Delaware nonprofit corporation, OPENAI, L.P., a Delaware limited partnership, OPENAI GP, L.L.C., a Delaware limited liability company, OPENAI STARTUP FUND GP I, L.L.C., a Delaware limited liability company, OPENAI STARTUP FUND I, L.P., a Delaware limited partnership, OPENAI STARTUP FUND MANAGEMENT, LLC, a Delaware limited liability company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

J. DOE 1 and J. DOE 2, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GITHUB, INC., a Delaware corporation; MICROSOFT CORPORATION, a Washington corporation; OPENAI, INC., a Delaware nonprofit corporation; OPENAI, L.P., a Delaware limited partnership; OPENAI GP, L.L.C., a Delaware limited liability company; OPENAI STARTUP FUND GP I, L.L.C., a Delaware limited liability company; OPENAI STARTUP FUND I, L.P., a Delaware limited partnership; OPENAI STARTUP FUND MANAGEMENT, LLC, a Delaware limited liability company,

Defendants.

Case No. 4:22-cv-06823-JST
 4:22-cv-07074-JST

Hon. Jon S. Tigar

DECLARATION OF JOSEPH C. GRATZ IN SUPPORT OF JOINT STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME

1 ROSE S. LEE (SBN 294658)
RoseLee@mofo.com
2 MORRISON & FOERSTER LLP
707 Wilshire Boulevard
3 Los Angeles, California 90017-3543
Telephone: (213) 892-5200
4 Facsimile: (213) 892-5454

1 I, Joseph C. Gratz, hereby declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for
3 Defendants OpenAI, Inc., OpenAI, L.P., OpenAI GP, L.L.C., OpenAI Startup Fund GP I, L.L.C.,
4 OpenAI Startup Fund I, L.P., OpenAI Startup Fund Management, LLC in the above-captioned
5 action. I am a member of good standing in the Bar of the State of California, and I am admitted
6 to practice before this Court. I make this declaration in support of the Parties' Joint Stipulation
7 and Proposed Order Regarding Extension of Time. I have personal knowledge of the matters set
8 forth below and, if called upon to do so, I could and would testify competently thereto.

9 2. On January 23, 2023, Plaintiffs filed their Motion for Entry of Protective Order for
10 Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets
11 (ECF No. 49).

12 3. Pursuant to Civil Local Rule 7-3, Defendants' deadline to oppose Plaintiffs'
13 Motion is February 6, 2023, and Plaintiffs' deadline to reply is February 13, 202

14 4. The Parties previously stipulated twice to an extension of the deadline for
15 Defendants to move or otherwise respond to the Complaint as well as Plaintiffs' response and
16 Defendants' replies to any such motion.

17 5. On February 3, 2023, the Parties conferred and agreed they need additional time to
18 negotiate a jointly stipulated protective order and to seek an extension of two weeks for all
19 current deadlines associated with Plaintiffs' Motion for Entry of Protective Order (ECF No. 49)
20 with the Court. The parties have engaged in active negotiations regarding such a stipulation and
21 have exchanged proposed drafts, but have not yet reached agreement.

22 6. An extension of these deadlines related to Plaintiffs' Motion for Entry of
23 Protective Order will not alter the date of any other event or deadline already fixed by Court
24 order.

1 Dated: February 6, 2023

MORRISON & FOERSTER LLP

2
3 By: /s/ Joseph C. Gratz
4 Joseph C. Gratz

5 Attorneys for Defendants OPENAI, INC., a
6 Delaware nonprofit corporation, OPENAI,
7 L.P., a Delaware limited partnership,
8 OPENAI GP, L.L.C., a Delaware limited
9 liability company, OPENAI STARTUP
10 FUND GP I, L.L.C., a Delaware limited
11 liability company, OPENAI STARTUP
12 FUND I, L.P., a Delaware limited
13 partnership, OPENAI STARTUP FUND
14 MANAGEMENT, LLC, a Delaware limited
15 liability company
16
17
18
19
20
21
22
23
24
25
26
27
28